

FILED
U.S. Bankruptcy Court, NCW

1 APR 12 2021
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5 Steven T. Salata, Clerk
6 Charlotte Division
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8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF NORTH CAROLINA
10 CHARLOTTE DIVISION
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13 8 YELLOWSTONE TRANSPORTATION) Case No: 21-30050
14 9 GROUP, INC) Chapter 11, Subchapter V
15 10 EIN 84-4450320)
16 11 Debtor,)
17 _____)
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20 COMPLAINT TO THE US BANKRUPTCY COURT
21 AND US TRUSTEES OFFICE
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24 The "Debtor" Yellowstone Transportation Group, Inc. comes before the Honorable Judges and
25 Honorable United States Bankruptcy Court of the Western District of North Carolina Charlotte
26 Division as well as the US Trustees Office to File a "Complaint" against a Lawyer in this matter
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29 The "Debtor" is attaching (EXHIBIT A) to this "Complaint" that is a filing made by the
30 "Debtors" Attorney of Record (John C. Woodman, with Essex Richards P.A.) on 02/18/21. This
31 (EXHIBIT A) is a Disclosure of Compensation of the Attorney for Debtor and it shows prior to
32 the filing of the "Statement" the Attorney for the "Debtor" received (\$ Zero) from the Debtor
33 The "Debtor" in fact had paid a \$12,500.00 Retainer prior to the filing
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36 COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE
37 CASE NO. 21-30050, CHAPTER 11, SUBCHAPTER V
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4 The "Debtor" is attaching (EXHIBIT B) to this "Complaint" that is a filing made by the
5 "Debtors" Attorney of Record (John C. Woodman, with Essex Richards P.A.) on 03/26/21. This
6 (EXHIBIT B) is a Disclosure of Compensation of the Attorney for the Debtor and it shows prior
7 to the filing of the "Statement" the Attorney for the "Debtor" received (\$12,500.00) from the
8 Debtor. This Statement was filed by the Attorney of Record (John C. Woodman, with Essex
9 Richards P.A.) after repeatedly being emailed and called by the "Debtor" and his Representative
10 for filing Documents that where "False"

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12 The "Debtor" had also been making "Payments" of \$1,500.00 per week to the "Debtors"
13 Attorney of Record (John C. Woodman, with Essex Richards P.A.) Since the filing which
14 would have brought the total amount of money paid to the Attorney of Record to (\$23,000.00)
15 Repeatedly the "Debtor" and a Representative assisting the "Debtor" named Mango Capital
16 asked why the Documents filed into Court Record where "False" and inaccurate. Also
17 repeatedly asked for Trust Account Statements and Accounting for how and where the
18 "Retainer" was being used

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20 The "Debtor" is attaching (EXHIBIT C) to this "Complaint" that is an Email Exchange between
21 the "Debtors" Attorney of Record (John C. Woodman, with Essex Richards P.A.) and Mango
22 Capital as Mango Capital was instructed by the "Debtor to Communicate" with the Attorney of
23 Record on this matter. Where again the Attorney of Record (John C. Woodman, with Essex
24 Richards P.A.) is asked about the Trust Account Statement and "Fraudulent" Statements filed
25 with the Court. The "Debtors" Attorney of Record (John C. Woodman, with Essex Richards
26 P.A.) refuses to provide Trust Account Statements and Billing Statements in regard to the
27 Retainer and Money paid from the "Debtor"

28 COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE 2
CASE NO. 21-30050, CHAPTER 11, SUBCHAPTER V

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4 The Attorney of Record (John C. Woodman, with Essex Richards P.A.) then filed documents
5 with the Court which made it appear that funds paid via "Wire" from Yellowstone
6 Transportation Group, Inc to Mango Capital where a possible Fraudulent Transfer when in fact
7 they were payments for Trucks through the "Leasing" Company that were made by Mango
8 Capital and where in fact being "Paid" by Yellowstone Transportation Group, Inc. These actions
9 where Retaliation by the Attorney of Record (John C. Woodman, with Essex Richards P.A.) and
10 where portrayed and made to look Fraudulent when they were not. This was done without
11 consulting the "Debtor" and was done to Damage the "Debtors" Case because the Attorney of
12 Record was being Questioned about Fraudulent documents and accounting

13

14 The Attorney of Record (John C. Woodman, with Essex Richards P.A.) has failed to provide
15 "Competent" Legal Representation and Legal Counsel to the "Debtor" and has intentionally
16 damaged the "Debtors" Case causing "Stress" and "Financial Damage and Harm to the Debtor"

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18 Actions by the Attorney of Record (John C. Woodman, with Essex Richards P.A.) need to be
19 Investigated by the US Trustees Office and the United States Bankruptcy Court. As the Attorney
20 of Record (John C. Woodman, with Essex Richards P.A.) knowingly filed (False and Fraudulent
21 Documents) to the Court on Numerous Occasions. Also, the Attorney of Record (John C.
22 Woodman, with Essex Richards P.A.) filed Documents and Portrayed the "Debtor" and his
23 Representative to be acting in a Fraudulent Manner when they were not. As well as the Attorney
24 of Record (John C. Woodman, with Essex Richards P.A.) acted in a Retaliatory Fashion

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28 COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE 3
CASE NO 21-30050, CHAPTER 11, SUBCHAPTER V

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3 Furthermore, the Attorney of Record (John C. Woodman, with Essex Richards P.A.) repeatedly
4 failed to provide the "Debtor" and his Representative an Accounting from the Trust Account and
5 Invoices for work that was billed towards the "Debtors" Trust Account. In addition to filing a
6 "Complaint" with the US Trustees Office and the United States Bankruptcy Court the "Debtor"
7 is also filing a "Complaint" with the Legal Practice Counsel

8

9 The "Debtor" in Case No. 21-30050 does claim that the Attorney of Record (John C. Woodman,
10 with Essex Richards P A) has "Violated the Following" Laws and Rules

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12 1 Competence (Rule 11 (a) of the Rules of Professional Conduct)

13 A lawyer shall provide competent representation to a client. Competent
14 representation requires the legal knowledge, skill, thoroughness and preparation
15 reasonably necessary for the representation."

16 2 Confirm your Fee Arrangement (Rule 15 (b) of the Rules of Professional Conduct)

17 The scope of the representation and the basis or rate of the fee and expenses for
18 which the client will be responsible shall be communicated to the client, preferably in
19 writing, before or within a reasonable time after commencing the representation,
20 except when the lawyer will charge a regularly represented client on the same basis
21 or rate. Any changes in the basis or rate of the fee or expenses shall also be
22 communicated to the client."

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28 COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE 4
CASE NO 21-30050, CHAPTER 11, SUBCHAPTER V

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3 3 Handling of Fees and Billing (According to the Rules of Professional Conduct)

4 **It is not permissible to provide for a *non-refundable fee* in any fee agreement with**
clients. The Rules of Professional Conduct and the Supreme Court jurisprudence
make it abundantly clear what lawyers are permitted to charge, collect and/or
retain fees only if they are earned. Provisions in a fee agreement which provide for a
so-called 'non-refundable fee' are not only unenforceable, but are violations of the
Rules.

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Rule 1.5 of the Rules of Professional Conduct sets out the types of fee arrangements which
are ethically permissible, including the following:

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- Retainers
- Fixed Fee or Minimum Fee
- Advance Deposits for Future Fees / Costs

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Signed this 8th Day of April 2021 .

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DocuSigned by:

Yellowstone Transportation Group, Inc.
1EDE3A7A24D2467

4/8/2021

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Yellowstone Transportation Group, Inc.

Date

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Debtor in Case No. 21-30050

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COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE
CASE NO. 21-30050, CHAPTER 11, SUBCHAPTER V

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1 EXHIBIT A
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COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE
CASE NO. 21-30050, CHAPTER 11, SUBCHAPTER V

B2030 (Form 2030) (12/15)

United States Bankruptcy Court
Western District of North Carolina

In re Yellowstone Transportation Group, Inc.

Debtor(s)

Case No.
Chapter

21-30050
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DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 201(b)(b), I certify that I am the attorney for the above-named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$ 12,500.00
Prior to the filing of this statement, I have received	\$ 0.00
Balance Due	\$ 12,500.00

2. The source of the compensation paid to me was:

Debtor Other (specify)

3. The source of compensation to be paid to me is:

Debtor Other (specify)

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation; and rendering advice to the debtor in determining whether to file a petition in bankruptcy.
- Preparation and filing of any petition, schedules, statement of affairs and plan which may be required.
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof.
- [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

John C. Woodman
Signature of Attorney

Essex Richards, P.A.
1701 South Blvd.
Charlotte, NC 28203
704-377-4300 Fax: 704-372-1357
jwoodman@essexrichards.com
Name of law firm

1 EXHIBIT B
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COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE
CASE NO. 21-30050, CHAPTER 11, SUBCHAPTER V

B2030 (Form 2030) (12/15)

EXHIBIT B

United States Bankruptcy Court
Western District of North Carolina

In re Yellowstone Transportation Group, Inc Case No. 21-30050
Debtor(s) Chapter 11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S) - AMENDED

1. Pursuant to 11 U. S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept _____
Prior to the filing of this statement I have received _____
Balance Due _____
\$ Hourly pending approved fee applications
\$ 12,500.00 on Jan. 28, 2021 (Retainer)
\$ Unknown ..pending approved fee applications

2. The source of the compensation paid to me was:

Debtor Other (specify) _____

3. The source of compensation to be paid to me is:

Debtor Other (specify) _____

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal services for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

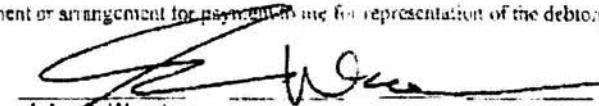
Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions or any other adversary proceeding.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding

3/26/2021

Date


John C. Woodman

Signature of Attorney

Essex Richards, P.A.

1701 South Blvd.

Charlotte, NC 28203

704-377-4300 Fax: 704-372-1357

jwoodman@essexrichards.com

Name of law firm

1 EXHIBIT C
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COMPLAINT TO THE US BANKRUPTCY COURT AND US TRUSTEES OFFICE
CASE NO. 21-30050, CHAPTER 11, SUBCHAPTER V

EXHIBIT C

From: John C. Woodman <jwoodman@essexrichards.com>
Sent: Tuesday, March 23, 2021 7:22 PM
To: dani@yellowstonetransportationgroup.com
Cc: David DiMatteo; isaac@yellowstonetransportationgroup.com; andreisaac717@yahoo.com
Subject: Re: Disclosure of Compensation

This is the required form that shows what retainer our firm received prior to the case filing. We have not filed a fee application for any work completed post-petition evidenced by the trust statement you requested that Sue Boone sent.

Let me know if you have any questions.

Sent from my iPhone

On Mar 23, 2021, at 6:10 PM, Dani Levine-Yellowstone Transportation Group <dani@yellowstonetransportationgroup.com> wrote:

John,

Please explain the disclosure of compensation you filed with the court. See the attached!

Regards,

Dani Levine

Consultant

P: 704.940.2361 X 101

C: 704.712.1187

F: 704.943.3063

E: dani@yellowstonetransportationgroup.com

<943f6bf6.png>

<Disclosure of Compensation.pdf>

April 9, 2021

From:

Yellowstone Transportation Group, Inc.
21 De Sales Place , Apt 3F
Brooklyn, New York 11207

To:

United States Bankruptcy Court
Western District of North Carolina
Attn: Clerk of the Courts
401 West Trade Street, Room 111
Charlotte, NC 28202

Subject : Filing of the Enclosed Documents into Case No: 21-30050 (Yellowstone Transportation Group, Inc) Complaint

To Whom It May Concern:

Please file the enclosed Documents into the (United States Bankruptcy Court Case No: 21-30050).

Thank You in Advance,

Yellowstone Transportation Group, Inc. "DEBTOR"